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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,407	03/18/2005	Oiva Pehkonen	43289-215080	4454
26694	7590	03/08/2007		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER VANOV, TIMOTHY C	
			ART UNIT	PAPER NUMBER
			1754	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/528,407	Applicant(s) PEHKONEN ET AL.	
	Examiner Timothy C. Vanoy	Art Unit 1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-23, 25, 27 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 24 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 18, 26 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>Mar. 18, 2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

- a) In claim 18 line 5, it appears that "take" should be replaced with --taken--.
- b) In claim 26 line 5, it appears that "and/or" should be replaced with --or-- because the tank cannot simultaneously be before and after and the separation point of the separator.
- c) There is no antecedent basis in claim 29 for the "first baffle structure" mentioned in applicants' claim 30.
- d) In claim 30 line 1, "the second baffle structure" should be replaced with "a second baffle structure" because there is no antecedent basis in either claim 29 or claim 30 "the second baffle structure".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24 and 28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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a) In claim 24, it is not clear what is intended by "via at least one new foam removal phase".

b) In claims 28 and 31, "or the like" renders the claims vague and indefinite: please note the discussion of the *Ex parte Caldwell* 1906 C.D. 58 (Comm'r. Pat. 1906) decision set forth in section 2173.05(b)(F) in the MPEP 8th Ed., Rev. 5, Aug. 2006.

c) In claim 28, "such as" renders the claim vague and indefinite: please see section 2173.05(d) in the MPEP 8th Ed., Rev. 5, Aug. 2006.

d) Claim 29 is confusing because it is not consistent with what is illustrated in applicants' Fig. 2. Fig. 2 shows the "baffle structure" located **at** the overflow, whereas claim 29 sets forth that the baffle structure is located **between** the overflow and the tank outlet or outlet point.

e) Claim 29 is confusing because applicants' Fig. 2 shows two tank outlets or outlet points labeled "11" and "12", however applicants' claim 29 refers to only a singular tank outlet or outlet point. It is not clear from applicants' Fig. 2 which of two tank outlets or outlet points is being referred to in the "tank outlet or outlet point" mentioned in applicants' claim 29.

f) In claim 30, from a review of applicants' Fig. 2 it appears that the second baffle (10) is located between the between the first baffle (9) and the tank outlet or outlet point (11), rather than between the first baffle (9) and the overflow. It is not clear if the applicants can correct this by simply substituting "tank outlet or outlet point" in lieu of "overflow" in claim 30 because Fig. 2 illustrates two distinct tank outlets and outlet

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points labeled "11" and "12" and it would not be clear which of these two outlets would be referred to by such an amendment.

g) In claim 28, it is not clear why the applicants have included the phrase "or the outlet point" because the applicants have already previously set forth the "outlet". Why is the phrase "or the outlet point" necessary?

h) In claims 29 and 30, it is not clear why the applicants have included the phrase "or the outlet point" because the applicants have already previously set forth the "tank outlet". Why is the phrase "or the outlet point" necessary?

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 103

Claim 18 and the claims dependent thereon have not been rejected under either 35USC102 or 35USC103 because none of the references of record teach or suggest the claimed method for processing flue gas scrubber material flows, in which method flue gas is scrubbed with a washing fluid containing calcium-based absorbent to absorb sulphur oxides from the flue gases and the formed gypsum slurry is directed from the flue gas scrubber to the separator, in whose separation point the gypsum is separated from the washing fluid, and from which the gypsum and washing fluid are taken out as separate flow materials, wherein from the flue gas scrubber the washing fluid is directed to a tank located before the separating point of the separator or after the separation point of the separator, in which tank foam is separated from the washing fluid as its own phase and taken out from the tank.

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Claim 26 and the claims dependent thereon have not been rejected under either 35USC102 or 35USC103 because none of the references of record teach or suggest the claimed apparatus for processing flue gas scrubber material flows, in which apparatus there is a flue gas scrubber using a calcium-based absorbent, an outlet line for directing the gypsum-containing washing fluid out of the scrubber, as well as a separator having a separation point for separating the gypsum and the washing fluid, wherein in the direction of flow of the washing fluid there is a tank before the separation point of the separator and/or after the separation point of the separator, in which there are means for separating foam from the upper part of the tank and an outlet or an outlet point for removing clean washing fluid from foam.

The following references are made of record:

U. S. Patent 6,939,523 B2 disclosing a method for removing sulfur trioxide from flue gases;

U. S. Patent 6,656,440 B2 disclosing an exhaust gas desulfurization method and system, and

DE 33 31 993 A1 disclosing a process and equipment for degassing gas/liquid without foam formation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy C. Vanoy whose telephone number is 571-272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Timothy C Vanoy
Timothy C Vanoy
Primary Examiner
Art Unit 1754

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